

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CIVIL ACTION

NO. 05-11598-WGY

CITY OF BOSTON, MASSACHUSETTS,)

THREE-JUDGE COURT

et al.,)

Defendants.)

DECLARATION

I, Helen Wong, make the following declaration based on personal knowledge:

1. I was born in Canton, China on February 9, 1981 and came to the United States in April 1981.
2. I speak Cantonese, Toisanese, and English fluently. I grew up in Boston's Chinatown, and Cantonese is my first language.

Exhibit B

3. From March 20, 2005 to June 16, 2007, I was employed by the City of Boston as the Elections Language Coordinator in the City's Election Department.

4. As part of my Elections Language Coordinator duties, I reviewed the written and audio portions of the bilingual ballots that appear on the AutoMARK machine provided by the Secretary of the Commonwealth.

5. ES&S produces the AutoMARK machines with the accompanying written and audio portions of the ballot. I provided ES&S and the Secretary with a copy of the City's already prepared bilingual ballots in Chinese, Vietnamese, and Spanish. The names of the candidates were transliterated in the materials that were sent to ES&S and the Secretary for the April 17 and May 15 2007 special elections in Boston.

6. ES&S hired a Chinese speaker to record the audio portion of the Chinese bilingual ballot on the AutoMARK machines for the April 17 and May 15 2007 special elections in Boston.

7. For the April 17 and May 15 2007 special elections in Boston, the audio portion of the AutoMARK for the bilingual Chinese ballot, provided by the Secretary of the Commonwealth, contained the transliteration of candidates' names in Chinese.

8. The following seven candidate names were transliterated on the audio portion of the ballot: Robert O'Shea, Bill Linahan, Brian R. Mahoney, Susan Passoni, Mary Cooney, Bob Ferrara, and Edward M. Flynn. While these transliterations were the Chinese phonetic versions of the names, they do not sound the same as if you were to read these names in English. For example, the transliterated version of Robert O'Shea would sound like "Lor Bat - Aw So Ay," Bill Linahan would sound like "Bill - Lum Nay Huang," Brian R. Mahoney would sound like "Be Lai Yun - Ma Hon Nay," Susan Passoni would sound like "So San - Pak Son Nay," Mary Cooney would sound like "Ma Lai - Kun Nay," Bob Ferrara would sound like "Bok - Fat Lai Lai," and Edward M. Flynn would sound like "Oi Dak Wah - Fai Lin." These sounds also do not take into account the tonal differences that would exist between reading the names in English and reading them in Chinese. These sounds, however, correspond to the Chinese characters that represent these candidates to the Chinese voters in Boston. This is how they are known and recognized.

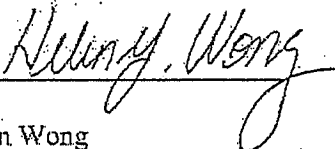
9. During the 2006 general election, I worked in the polls at Franklin Institute. The names of the candidates were not transliterated on the ballots and one of the ways the voters requested bilingual poll worker assistance would be to verbally state the transliterated version of the candidates name that was used in the Chinese press. So for instance, some voters would say they wanted to vote for "Paidi" which we understood to mean Deval Patrick because a Chinese newspaper transliterated his name into characters that sound like "Paidi." I reviewed the federal observer reports for every election with Gerry Cuddyer so we could understand how the bilingual election program was working. The federal observer report (attached) for Franklin Institute for that election shows that

the voters were asking for "Paidi" which meant they were asking for Deval Patrick. The last name Patrick was transliterated by the newspaper as "Paidi" and that is how voters understood and referred to Deval Patrick. They would not understand "Deval Patrick" to be the person they know as "Paidi."

10. The audio and written portions of the ballot on the AutoMARK machines, provided by the Secretary of the Commonwealth, contained many translation errors in Chinese, Vietnamese, and Spanish. For the Cantonese audio tape, the machine instructions were provided in Mandarin and left out the Chinese recording of one of the candidates' name (Susan Passoni, in this case). I provided the Secretary of the Commonwealth feedback concerning those errors because the Secretary's Election Department does not have any independent review procedures. (Emails attached)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 31, 2007


Helen Wong



United States
Office of
Personnel Management

Voting Rights Program Office
PO Box 25167
Denver, CO 80225-0167

In Reply Refer to: Your Reference:

VR-2006

Attorney General of the United States
Department of Justice
Washington, DC 20530

RE: Election of

09/19/06
(Date)

MASSACHUSETTS

(State)

Suffolk

(County)

Boston

(Municipality)

FRANKLYN Institute

(Name of Polling Place)

1

(Precinct #)

5

(Ward Districts/Assembly Districts/
Election Districts -
WD/AD/ED, if applicable)

Dear Attorney General:

Pursuant to Section 8 of the Voting Rights Act of 1965, the undersigned served as Office of Personnel Management Observers for the election described above. Enclosed is the report for that election, submitted pursuant to Section 8, which we certify to be an accurate report of our observations.

Respectfully yours,

Observer(s):

The Time Observers:

Arrived at Polls 6:00 AM

Departed Polls 5:30 PM

Instructions to Observers: Complete this report in BLACK INK ONLY. Each team member must sign coversheet and initial all subsequent pages of report, including charts, in lower left corner.

Print ENEIDA OCASIO
(Name)

Sign Eneida Ocasio

Print VINCENT HOANG
(Name)

Sign Vincent Hoang

Print BAO CHU CHANG
(Name)

Sign Bao Chu Chang

1. VOTING STATISTICS

A. Number of Persons Attempting to Vote at the Polls	Total	Indian <i>Viet</i>	Hispanic	Asian <i>Chinese</i>	Black	White	Other
1. Persons voting unchallenged (See Chart A, page 23)							
2. Persons voting challenged, affidavit, or provisional ballot (See Chart D, page 31)	2	Ø	Ø	Ø	Ø	2	Ø
3. Persons not permitted to vote or turned away for ANY reason (See Chart B, page 26)	<i>VM</i> 4	Ø	1	1	Ø	2 <i>VM</i>	Ø
TOTAL of 1, 2, and 3	<i>VM</i> 6	Ø	1	1	Ø	4 <i>VM</i>	Ø

B. Number of Persons Receiving Any Language Assistance. Specify Language or Dialect Below Language Heading (e.g., Navajo, Towa, Vietnamese, Mandarin, Cantonese, etc.) (See Chart A1, page 24)	Total	Indian <i>Viet</i>	Spanish	Asian <i>CHIN</i>	Other
	48	Ø	1	46	1
Section 1B is Not Applicable to this Coverage <input type="checkbox"/>					

C. Number of Persons Receiving Any Language Assistance from: (See Chart A1, page 24)	Total	Election Officials	Official Interpreters	Other
	48	unknown	unknown	unknown
Section 1C is Not Applicable to this Coverage <input type="checkbox"/>				

D. Number of Persons Receiving Any Assistance OTHER than Language Assistance (See Chart A2, page 25)	Total	Indian <i>Viet</i>	Hispanic	Asian <i>CHINESE</i>	Black	White	Other
	1	Ø	Ø	1	Ø	Ø	Ø
Section 1D is Not Applicable to this Coverage <input type="checkbox"/>							

E. Absentee Ballots	Total
1. Unchallenged	
2. Challenged	
Section 1E is Not Applicable to this Coverage <input type="checkbox"/>	

Initials:

☐ None Observed
☐ Not applicable to this coverage

CHART C1 - VOTERS NEEDING ASSISTANCE (CHECKLIST)

WD/AD/ED, if applicable: _____

Voter: didn't want to give name Race: C Begin Time: 10:10 End Time: _____

Interpreter or Election Official: Roger Observer: Chang

Assistance Occurred: ☒ Inside the booth (or while voter is voting)
☒ Outside the booth (or before voter begins voting)

Reason Voter Needed Assistance, (if other than language): _____

Did the election official providing assistance perform any of the actions listed in the table below for the voter?
NOTE: If the answer is not 100% "YES", mark "NO"

Action: Place a checkmark (✓) in the appropriate block for each action, and indicate if minority language was used during that action.	Yes	No	N/A	In Minority Language
Ask if assistance was needed			✓	Cantonese
Ask voter for choice of assistor			✓	
Permit the voter's choice of assistor			✓	
Name each candidate on the ballot			✓	
Name the political parties for each candidate on the ballot			✓	
Name each office on the ballot			✓	
Explain each proposition on the ballot			✓	
Explain when the voter can vote for more than one candidate for an office			✓	
Allow the voter to mark the ballot	✓			
Mark the ballot contrary to the voter's wishes		✓		
Attempt to rush the voter through the ballot		✓		
Explain write-in procedures		✓		

asked,
 "Want to
 choose more?"
 Voter said,
 "enough."
 and was
 directed
 to check
 out line

Explanation:

didn't observe voter check in. Voter seemed lost, asked for help in Cantonese. Warden realized he needed assistant told him to wait [in English] Voter seemed to understand. Waited. Warden pulled Roger away from another voter to help this voter.

Initials:

Voter came with Chinese name written on piece of paper. He read out the name from paper in Chinese, which sounds like "Pai di".

Roger found name on ballot for voter. Voter marked ballot. Roger

Case 1:05-cv-01598-WGY-PBS-SLL Document 102-2 Filed 08/01/2007 Page 7 of 39
From: Helen Y. Wong
Sent: Wed 5/16/2007 2:01 PM
To: Bridget Simmons (bridget.simmons@sec.state.ma.us)
Subject: Ballots for May 29th Election

Hi Bridget -

Hope you're doing well and got some rest last night! Gerry asked me to touch base with you about the English/Spanish, English/Chinese and English/Vietnamese ballots for the May 29th State Primary Election. Do you know when they'll be ready? If possible, it's probably a good idea to let the communities review them for translation accuracies/mistakes before the actual election day. Please let me know, thanks so much!
- Helen

Helen Y. Wong
Language Coordinator
Election Dept., Rm 241
One City Hall Plaza
Boston, MA 02201
(617) 635-3833
Fax (617) 635-4483
<http://www.cityofboston.gov/elections/>

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From: Simmons, Bridget (SEC) [mailto:Bridget.Simmons@state.ma.us]
Sent: Tue 5/8/2007 3:05 PM
To: Self, Lisa
Cc: Wong, Helen
Subject: FW: Ballots for 5-15-07 Election

Please see the word documents attached to this file.

Please call/email me with any questions. Do you still need Helen to call?

-Bridget

From: Donovan, John (Election) [mailto:John.Donovan@cityofboston.gov]
Sent: Wednesday, May 02, 2007 9:03 AM
To: Simmons, Bridget (SEC)
Subject: Ballots for 5-15-07 Election

Hi Bridget here are the files for the ballots for the AutoMARK. Also some edits and the Chinese word file

LEGAL NOTICE

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English	Traditional Chinese
CITY OF BOSTON	波士頓市
SPECIAL MUNICIPAL ELECTION	市政特別選舉
OFFICIAL BALLOT	正式選票
TUESDAY, MAY 15, 2007	2007 年 5 月 15 日星期二
DISTRICT 2	第 2 行政區
WARD	選區
PRECINCT	分區
INSTRUCTIONS TO VOTER	投票說明
TO VOTE, completely fill in the OVAL to the RIGHT of your choice:	投票時，請將你要選的候選人右邊的橢圓形格子塗滿：
To vote for a person not on the ballot, write that person's name and residence in the blank space provided and fill in the oval.	如果要投票給沒有列在選票上的人士，請在空白處寫上該人士的姓名與住址，然後塗滿橢圓形格子。
CITY COUNCILLOR DISTRICT 2	第 2 行政區市議員
(For Unexpired Term)	(剩下的任期)
VOTE FOR ONE	請選一位
BILL LINEHAN	標·林尼肯
District 2	第 2 行政區
SUSAN M. PASSONI	蘇珊·柏信尼
District 2	第 2 行政區
Write-in	(投票給未列在選票上的人士)

CITY OF BOSTON / 波士頓市
SPECIAL MUNICIPAL ELECTION / 市政特別選舉
OFFICIAL BALLOT / 正式選票
TUESDAY, MAY 15, 2007 / 2007 年 5 月 15 日星期二

<u>DISTRICT 2 / 第 2 行政區</u>	
Ward/選區	Precincts/分區
3	7 & 8
4	1, 2 & 3
5	1
6	1-9
7	1-9
8	1 & 2
9	1



William M. Kelly
Michael P. Chinetti
Henry D. Harrison

Board of Election
Commissioners

INSTRUCTIONS TO VOTER / 投票說明

TO VOTE, completely fill in the OVAL to the RIGHT of your choice: ●
 To vote for a person not on the ballot, write that person's name and residence in the blank space provided and fill in the oval.

投票時，請將你要選的候選人右邊的橢圓形格子塗滿：●
 如果要投票給沒有列在選票上的人士，請在空白處寫上該人士的姓名與住址，
 然後塗滿橢圓形格子。

CITY COUNCILLOR DISTRICT 2

第 2 行政區市議員

(For Unexpired Term) / (剩下的任期)

VOTE FOR ONE / 請選一位

BILL LINEHAN 標.林尼肯 ☐
 128 G Street District 2/第 2 行政區

SUSAN M. PASSONI 蘇珊.柏信尼 ☐
 121 Chandler Street District 2/第 2 行政區

☐
 (Write-in) (投票給未列在選票上的人士)

CITY OF BOSTON / CIUDAD DE BOSTON
SPECIAL MUNICIPAL ELECTION / ELECCIÓN MUNICIPAL ESPECIAL
OFFICIAL BALLOT / PAPELETA OFICIAL
TUESDAY, MAY 15, 2007 / MARTES, 15 DE MAYO DE 2007

DISTRICT 2 / DISTRITO 2	
Ward/Circunscripción	Precincts/Precintos
3	7 & 8
4	1, 2 & 3
5	1
6	1 - 9
7	1 - 9
8	1 & 2
9	1



Andrew M. Kelly
Michael P. Chinitz
Kyong B. Harrison
 Board of Election
 Commissioners

INSTRUCTIONS TO VOTER / INSTRUCCIONES PARA EL VOTANTE

TO VOTE, completely fill in the OVAL to the RIGHT of your choice: ☐

To vote for a person not on the ballot, write that person's name and residence in the blank space provided and fill in the oval.

PARA VOTAR, rellene completamente el ÓVALO a la DERECHA de su selección: ☐

Para votar por una persona que no está en la papeleta, escriba el nombre y la dirección de esa persona en el espacio provisto y rellene el óvalo.

CITY COUNCILLOR DISTRICT 2
CONCEJAL MUNICIPAL DEL DISTRITO 2

(For Unexpired Term) / (Para periodo que no haya expirado)

VOTE FOR ONE / VOTE POR UNO

BILL LINEHAN

128 G Street

District 2/Distrito 2



SUSAN M. PASSONI

121 Chandler Street

District 2/Distrito 2



(Write-in) (Escriba el nombre)

CITY OF BOSTON / THÀNH PHỐ BOSTON
SPECIAL MUNICIPAL ELECTION / BẦU CỬ ĐẶC BIỆT CỦA THÀNH PHỐ
OFFICIAL BALLOT / PHIẾU BẦU CHÁNH
TUESDAY, MAY 15, 2007 / THỨ BA, NGÀY 15 THÁNG NĂM, 2007

DISTRICT 2 / QUẬN 2	
Ward/Phường	Precincts/Khu Bầu Cử
3	7 & 8
4	1, 2 & 3
5	1
6	1 - 9
7	1 - 9
8	1 & 2
9	1



Andrew M. Casey
Mahab P. Chinetti
Nguyen D. Haier
 Board of Election
 Commissioners

INSTRUCTIONS TO VOTER / CHỈ DẪN DÀNH CHO CỬ TRI

TO VOTE, completely fill in the OVAL to the RIGHT of your choice: ☐

To vote for a person not on the ballot, write that person's name and residence in the blank space provided and fill in the oval.

ĐỂ BỎ PHIẾU, tô kín HÌNH BẦU DỤC bên tay PHẢI của tên người quý vị muốn chọn: ☐
 Để bỏ phiếu cho một người không có tên in trên lá phiếu, viết tên và nơi thường trú của người đó vào khoảng trống và tô kín hình bầu dục.

CITY COUNCILLOR DISTRICT 2
NGHỊ VIÊN HỘI ĐỒNG THÀNH PHỐ QUẬN HAI
 (For Unexpired Term) / (Cho nhiệm kỳ chưa hết hạn)
VOTE FOR ONE / BẦU CHO MỘT NGƯỜI

BILL LINEHAN ☐
 128 G Street District 2/QUẬN 2

SUSAN M. PASSONI ☐
 121 Chandler Street District 2/QUẬN 2

☐
 (Write-in) (Tự điền tên ứng cử viên)

CITY OF BOSTON
Special Municipal Election – May 15, 2007
AutoMARK – Edit Requests

CHINESE BALLOT

1. **Select a Language page** – Please replace the current two (2) characters (meaning “Chinese”) with the two below. We were informed that the characters for the April 17th Election didn’t look very accurate (font/computer problem?), so let’s try this again.

中文

2. There are inconsistencies throughout the instructions (on all pages) – some of the Chinese characters are in simplified form and others are in traditional. Please make sure that all the Chinese characters are in traditional form.
 3. **Marking page** – The last character in the first line (character for “you”) is cut off, so you can only see half of the character. *** NOTE: The character shows up when you zoom in on the page, though.
 4. The person who did the recording is probably a native Mandarin speaker, because the recording has a heavy accent. Can you hire someone who’s a native Cantonese speaker to do the recording for the May 15th Election?
-

SPANISH BALLOT

1. **Instructions Screen** - "AYUDARLO" in line one (1) should be changed to "AYUDARLE" so that it's gender-neutral.
2. **Ballot Screen** - Accent mark is needed on top of the "I" in "PERIODO" (sentence above the list of candidates).
3. **Selection Confirmation Screen** - "PUSH BUTTON BELOW" needs a better translation, because technically, there are five (5) buttons below this instruction, so it might be confusing for the voters.
4. **Selection Confirmation Screen** - The word "ANFORA" is antiquated, so some voters might not even understand what that means. Our Spanish Language Liaison suggested doing a

global replacement (i.e., in all sections where that word is used) of "ANFORA" with "URNA."

5. **Audio Recording at the End** - The instructions tell the voters to push the triangular-shaped button ("TECLA TRIANGULAR"), but that is not correct, because the button is diamond/rhombus-shaped. Please re-record the instructions with the correct Spanish translation.

VIETNAMESE BALLOT

1. **Ballot Page; "For Unexpired Term"** – Accent mark needs to be in between the "U" and "A" in the Vietnamese word "CHUA." Right now, it's on top of the "U."
2. **Instructions Screen** - The Vietnamese word "HINH" in the fourth (4th) line needs an accent mark on top of the letter "N," not on the "I."
3. **Audio Recording in the Beginning (Instructions)** - Our Vietnamese Language Liaison commented that the woman sounds very nervous/hesitant in the recording, and that it might send a bad message to the voters.

From: Wong, Helen
Sent: Tue 5/1/2007 12:03 PM
To: Donovan, John (Election)
Cc: Piemonte, Sabino
Subject: Chinese Translation and Edits for AutoMARK 5.15.07

Hi John,

Attached please find (1) the Chinese translations for the 5.15.2007 Official Ballot (on a Word document, so that ES&S can copy and paste), and (2) a list of edits for the Chinese, Spanish and Vietnamese ballots based on the language liaisons' reviews of the 4.17.07 ballots.

Thanks, Helen

Helen Y. Wong
Language Coordinator
Election Dept., Rm 241
One City Hall Plaza
Boston, MA 02201
(617) 635-3833
Fax (617) 635-4483

<http://www.cityofboston.gov/elections/>

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CITY OF BOSTON
Special Municipal Election – May 15, 2007
AutoMARK – Edit Requests

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-

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WARD	選區
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To vote for a person not on the ballot, write that person's name and residence in the blank space provided and fill in the oval.	如果要投票給沒有列在選票上的人士，請在空白處寫上該人士的姓名與住址，然後塗滿橢圓形格子。
CITY COUNCILLOR DISTRICT 2	第 2 行政區市議員
(For Unexpired Term)	(剩下的任期)
VOTE FOR ONE	請選一位
BILL LINEHAN	標・林尼肯
District 2	第 2 行政區
SUSAN M. PASSONI	蘇珊・柏信尼
District 2	第 2 行政區
Write-in	(投票給未列在選票上的人士)

From: Wong, Helen
Sent: Wed 4/11/2007 5:13 PM
To: Long, MaryBeth
Cc: Cuddyer, Gerry
Subject: UPDATE: AutoMARK - Edits for CoB's 4/17 Ballots

Hi MaryBeth,

Sorry for the delay! I went over to the warehouse with Commissioner Chinetti this morning, and met with the ES&S representatives to test the revised memory cards. Please see the RED comments below for my updates.

Thanks,

Helen

617.635.3833

APRIL 10, 2007 EDITS

SPANISH BALLOT

1. The Spanish translation for "Write-in" ("Escriba") is missing the "R" so it's displayed as "Esciba" right now.

[DONE]

VIETNAMESE BALLOT

1. The Vietnamese translation for "Write-in" does not match the City's ballot. Their current translation means "Candidate has no name."

[DONE]

2. Ballot Page; "For Unexpired Term" - Accent mark needs to be in between the "U" and "A" in the Vietnamese word "CHUA." Right now, it's on top of the "U."

[NO; technical issue (?) that needs to be addressed for the May election]

*** NOTE: Diane Huynh (ONS - Vietnamese Community Liaison) said that the translation should be comprehensible, though.

CHINESE BALLOT

1. Select a Language page - It does not say "Chinese" in the box; those are not even Chinese characters. I just sent her the two Chinese characters for "Chinese."

[DONE]

2. Ballot page - Susan Passoni's name is not in Chinese, and the recording is still in English. Also, the Chinese translation for "District 2" is displayed as "DT" right now.

[DONE]

3. There are inconsistencies throughout the instructions - some of the Chinese characters are in simplified form and others are in traditional.

[NO; needs to be addressed for the May election]

4. Marking page - The last character in the first line (character for "you") is cut off, so you can only see half of the character.

[NO; needs to be addressed for the May election]

*** NOTE: The character shows up when you zoom in on the page, though.

5. The person who did the recording is probably a native Mandarin speaker, because the recording has a heavy accent. ES&S should hire someone who's a native Cantonese speaker to do the recording next time.

[NO; needs to be addressed for the May election]

APRIL 6, 2007 EDITS

SPANISH BALLOT

1. Instructions Screen - "AYUDARLO" in line one (1) should be changed to "AYUDARLE" so that it's gender-neutral.

[NO; needs to be addressed for the May election]

2. Ballot Screen - Accent mark is needed on top of the "I" in "PERIODO" (sentence above the list of candidates).

[NO; needs to be addressed for the May election]

3. Ballot Screen - The Spanish translation ("ANADIR") for "Write-in" is incorrect; it needs to match our City's ballot.

[DONE]

4. Selection Confirmation Screen - "PUSH BUTTON BELOW" needs a better translation, because technically, there are five (5) buttons below this instruction, so it might be confusing for the voters.

[NO; needs to be addressed for the May election]

5. Selection Confirmation Screen - The word "ANFORA" is antiquated, so some voters may not even understand what that means. Our Spanish language liaison suggested doing a global replacement (i.e., in all sections where that word is used) of "ANFORA" with "URNA."

[NO; needs to be addressed for the May election]

6. Audio Recording at the End - The instructions tell the voters to push the triangular-shaped button ("TECLA TRIANGULAR"), but that is not correct, because the button is diamond/rhombus-shaped. Please re-record the instructions with the correct Spanish translation.

[NO; needs to be addressed for the May election]

VIETNAMESE BALLOT

1. Instructions Screen - The 2nd and 3rd lines are not displaying the correct Vietnamese translation because of the font problem.

[DONE]

2. Instructions Screen - The Vietnamese translation for the number four (4) is not correct. Your current translation ("TO") should be changed to "TU" with the proper accent mark.

[DONE]

3. Instructions Screen - The Vietnamese word "HINH" in the fourth (4th) line needs an accent mark on top of the letter "N."

[NO; needs to be addressed for the May election]

4. Ballot Screen - Correct Vietnamese font needed to display the information/translation!

[DONE]

5. Selection Confirmation Screen - The (pink) selection box is not displaying the correct Vietnamese translation because of the font problem.

[DONE]

6. Audio Recording in the Beginning (Instructions) - Our Vietnamese Language Liaison commented that the woman sounded very nervous/hesitant in the recording, and that it might send a bad message to the voters.

[NO; needs to be addressed for the May election]

CHINESE BALLOT (based on 4.05.07's test memory card)

*** NOTE: This is not the final list as I only got to review it quickly.

1. Recording - Everything needs to be recorded in the Cantonese dialect. Right now, all the instructions are in Mandarin.

[DONE]

2. Ballot Screen - There should be a black dot between each candidate's first name and surname, just like the actual ballot. Right now, the AutoMARK machine is displaying the letter "Y" with two accent marks in between the two names.

[DONE]

3. Ballot Screen - The Chinese translation for "Write-in" at the bottom is incorrect; it needs to match our City's ballot.

[DONE]

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From: Wong, Helen
Sent: Tue 4/10/2007 5:12 PM
To: Long, MaryBeth
Cc: Cuddyer, Gerry
Subject: AutoMARK - Edits for CoB's 4/17 Ballots

Hi MaryBeth -

Please see below for the edits that were submitted to ES&S on April 6, 2007 and their response.

We reviewed the new/revised memory cards (for the AutoMARK marking machines) today, and here are some more issues that we found:

SPANISH BALLOT

1. The Spanish translation for "Write-in" ("Escriba") is missing the "R" so it's displayed as "Esciba" right now.

VIETNAMESE BALLOT

1. The Vietnamese translation for "Write-in" does not match the City's ballot. Their current translation means "Candidate has no name."
2. Ballot Page; "For Unexpired Term" - Accent mark needs to be in between the "U" and "A" in the Vietnamese word "CHUA." Right now, it's on top of the "U."

CHINESE BALLOT

1. Select a Language page - It does not say "Chinese" in the box; those are not even Chinese characters. I just sent her the two Chinese characters for "Chinese."

2. Ballot page - Susan Passoni's name is not in Chinese, and the recording is still in English. Also, the Chinese translation for "District 2" is displayed as "DT" right now.
3. There are inconsistencies throughout the instructions - some of the Chinese characters are in simplified form and others are in traditional.
4. Marking page - The last character in the first line (character for "you") is cut off, so you can only see half of the character.
5. The person who did the recording is probably a native Mandarin speaker, because the recording has a heavy accent. ES&S should hire someone who's a native Cantonese speaker to do the recording next time.

Thanks,

Helen

617.635.3833

-----Original Message-----

From: Self, Lisa [mailto:laself@essvote.com]
Sent: Friday, April 06, 2007 8:39 PM
To: Wong, Helen
Cc: bridget.simmons@sec.state.ma.us; Shoemaker, Roberta; Bolton, Georgia; Sproat, Geoff; Johnson, Brett
Subject: RE: AutoMARK - Edits for CoB's 4/17 Ballots

Helen,

We have corrected all of the issues you have submitted with the exception of the last 3 of the Spanish requests. These are standard Automark functions and if you could supply them for your next election we can address those at that time. Thank you for the detailed list it really helps us to go directly to the issue and fix it.

Thanks,

Lisa Self
Election Services
(402) 938-1337
laself@essvote.com

-----Original Message-----

From: Wong, Helen [mailto:Helen.Wong@cityofboston.gov]
Sent: Friday, April 06, 2007 11:12 AM
To: laself@essvote.com
Cc: bridget.simmons@sec.state.ma.us
Subject: AutoMARK - Edits for CoB's 4/17 Ballots

Dear ES&S,

Our language liaisons tested the AutoMARK memory card for the 4/17/2007 Spanish, Vietnamese and Chinese ballots, and below are their comments:

SPANISH BALLOT

1. Instructions Screen - "AYUDARLO" in line one (1) should be changed to "AYUDARLE" so that it's gender-neutral.
2. Ballot Screen - Accent mark is needed on top of the "I" in "PERIODO" (sentence above the list of candidates).
3. Ballot Screen - The Spanish translation ("ANADIR") for "Write-in" is incorrect; it needs to match our City's ballot.
4. Selection Confirmation Screen - "PUSH BUTTON BELOW" needs a better translation, because technically, there are five (5) buttons below this instruction, so it might be confusing for the voters.
5. Selection Confirmation Screen - The word "ANFORA" is antiquated, so some voters may not even understand what that means. Our Spanish language liaison suggested doing a global replacement (i.e., in all sections where that word is used) of "ANFORA" with "URNA."
6. Audio Recording at the End - The instructions tell the voters to push the triangular-shaped button ("TECLA TRIANGULAR"), but that is not correct, because the button is diamond/rhombus-shaped. Please re-record the instructions with the correct Spanish translation.

VIETNAMESE BALLOT

1. Instructions Screen - The 2nd and 3rd lines are not displaying the correct Vietnamese translation because of the font problem.
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4. Ballot Screen - Correct Vietnamese font needed to display the information/translation!

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6. Audio Recording in the Beginning (Instructions) - Our Vietnamese Language Liaison commented that the woman sounded very nervous/hesitant in the recording, and that it might send a bad message to the voters.

CHINESE BALLOT (based on 4.05.07's test memory card)

*** NOTE: This is not the final list as I only got to review it quickly. ***

1. Recording - Everything needs to be recorded in the Cantonese dialect. Right now, all the instructions are in Mandarin.

2. Ballot Screen - There should be a black dot between each candidate's first name and surname, just like the actual ballot. Right now, the AutoMARK machine is displaying the letter "Y" with two accent marks in between the two names.

3. Ballot Screen - The Chinese translation for "Write-in" at the bottom is incorrect; it needs to match our City's ballot.

Thanks,

Helen

Helen Y. Wong

Language Coordinator

Election Dept., Rm 241

One City Hall Plaza

Boston, MA 02201

(617) 635-3833

Fax (617) 635-4483

<http://www.cityofboston.gov/elections/>
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From: Simmons, Bridget (SEC) [mailto:Bridget.Simmons@state.ma.us]
Sent: Mon 4/9/2007 10:40 AM
To: Wong, Helen; Self, Lisa; Amick, Jerry
Cc: Shoemaker, Roberta; Bolton, Georgia; Sproat, Geoff; Johnson, Brett
Subject: RE: AutoMARK - Edits for CoB's 4/17 Ballots

Good Morning-

Just following up to Helen's email re: delivery of memory cards to Boston. Have they been shipped out for delivery today? Please confirm as soon as you can!

Thanks,

Bridget

Bridget Simmons
Office of the Secretary of the Commonwealth William Francis Galvin
tel: 617.727.2828
fax: 617.742.3238
email: bridget.simmons@sec.state.ma.us

From: Wong, Helen [mailto:Helen.Wong@cityofboston.gov]
Sent: Sunday, April 08, 2007 6:29 PM
To: Self, Lisa
Cc: Simmons, Bridget (SEC); Shoemaker, Roberta; Bolton, Georgia; Sproat, Geoff; Johnson, Brett
Subject: RE: AutoMARK - Edits for CoB's 4/17 Ballots

Thanks, ES&S! When do you think we can test the new/revised memory cards (for all three languages)?

Helen

617.635.3833

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Sent: Friday, April 06, 2007 8:39 PM
To: Wong, Helen
Cc: bridget.simmons@sec.state.ma.us; Shoemaker, Roberta; Bolton, Georgia; Sproat, Geoff; Johnson, Brett
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(402) 938-1337
laself@essvote.com

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To: laself@essvote.com
Cc: bridget.simmons@sec.state.ma.us
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Thanks,

Helen

Helen Y. Wong

Language Coordinator

Election Dept., Rm 241

One City Hall Plaza

Boston, MA 02201

(617) 635-3833

Fax (617) 635-4483

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error, please notify me immediately by return email and delete the original message and all copies of the message and any attachments to it.
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From: Simmons, Bridget (SEC) [mailto:Bridget.Simmons@state.ma.us]
Sent: Mon 4/2/2007 4:04 PM
To: Wong, Helen; Simmons, Bridget (SEC); Tassinari, Michelle (SEC)
Cc: Cuddyer, Gerry
Subject: Re: Bilingual Ballots - ES&S

Hi Helen-

I think there is some misinformation and I am making calls now to clarify. I will update you ASAP!

Thanks for the info!

-Bridget

-----Original Message-----

From: Wong, Helen <Helen.Wong@cityofboston.gov>
To: Simmons, Bridget (SEC) <Bridget.Simmons@state.ma.us>
Cc: Cuddyer, Gerry <Gerry.Cuddyer@cityofboston.gov>
Sent: Mon Apr 02 15:46:50 2007
Subject: Bilingual Ballots - ES&S

Hi Bridget,

Hope this e-mail finds you doing well. We just received an e-mail from Lisa Self (ES&S) about the audio files for the 4/17/07 Chinese/English and Vietnamese/English bilingual ballots, and are a bit concerned about our role in this process. While it does make sense to have some "community folks" test the ballots out before the actual election, we don't want the responsibility of translating/interpreting and/or approving the official ballots to fall upon these individuals - especially since they are not paid employees of our Department.

ES&S had told us back then that they have prepared Chinese/English ballots for San Francisco before, so we were under the impression that they are experienced with this type of work (i.e., working with the Asian communities and bilingual ballots). We certainly hope that they already had someone (whether it's an internal employee or another professional translator) check the ballots and audio files before sending us the final product. If you could clarify some of these questions/concerns for us, we would greatly appreciate it.

Thanks, Bridget! - Helen

Helen Y. Wong

Language Coordinator

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From: Wong, Helen
Sent: Mon 4/2/2007 3:46 PM
To: Bridget Simmons (bridget.simmons@sec.state.ma.us)
Cc: Cuddy, Gerry
Subject: Bilingual Ballots - ES&S

Hi Bridget,

Hope this e-mail finds you doing well. We just received an e-mail from Lisa Self (ES&S) about the audio files for the 4/17/07 Chinese/English and Vietnamese/English bilingual ballots, and are a bit concerned about our role in this process. While it does make sense to have some "community folks" test the ballots out before the actual election, we don't want the responsibility of translating/interpreting and/or approving the official ballots to fall upon these individuals - especially since they are not paid employees of our Department.

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Thanks, Bridget! - Helen

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CITY OF BOSTON, MASSACHUSETTS,)
et al.,)

Defendants.)

CIVIL ACTION
NO. 05-11598-WGY

THREE-JUDGE COURT

DECLARATION

I, Tobie Meyer-Fong, make the following declaration based on personal knowledge:

1) I am an Associate Professor of Chinese History at Johns Hopkins University. I hold a Ph.D. in East Asian History from Stanford University and have studied Mandarin Chinese since 1986 (21 years) and Classical Chinese since 1989. My research focuses on the history of Late Imperial and Modern China (i.e. roughly 1600-present) and I offer courses at Hopkins covering the full spread of Chinese history from Neolithic times to the present. I am attaching a recent c.v. for reference.

2) In order to produce a complete audio bilingual ballot, it is necessary first to render the entire ballot including the names into Chinese characters. If the Chinese-language proficient ballot readers simply recite the names of the candidates from an English-language list, the names will not be intelligible to Chinese voters due to the many differences between the two languages. The differences can include the elimination of sounds that are present in English but not in Chinese. For example, Chinese has no ending "s," "t" or "r" consonants, so a transliteration of any western name ending in those consonants, like Jones, Powell or Taylor, would necessarily alter those endings in the Chinese version. Chinese has no letter v. It also does not allow for consonant combinations such as th, rl, m, st, cl, rx, and ms. Thus names like Marx, Karl, and Clinton include sounds that are not possible to render directly into Chinese. Thus [Karl] Marx becomes Ma ke si (pronounced Mah kuh suh) and Clinton becomes Ke lin dun (pronounced Keh lin doon). There also is the additional layer of tonality that exists for Chinese but not for English words. Thus, when Chinese voters hear the English reading of a name they find it as unintelligible as written English. Moreover, those who have been following the election in the Chinese-language media would find these English names unfamiliar. In effect, the ballot readers will not have read the names in Chinese.

They will have read them in English, and will have defeated the purpose of providing a bilingual ballot.

3) Chinese transliteration approximates—but does not replicate—the sounds of English. If a Chinese reader were to recite the names as they appear in characters, it would not sound exactly like the English name but would be understood as equivalent by a Chinese listener.

4) In order actually to read the names in Chinese, the ballot readers will first require a list of transliterated names in Chinese characters. In other words, even if the State proposes to rely on audio ballot machines, they will still need to transliterate the candidates' names in order to make the audio ballot intelligible to Chinese-speaking voters. The State thus will still need to follow a procedure for producing appropriate Chinese-character names for all candidates, such as that used by the city of Boston: transliteration by experts, review and approval by the community liaisons and candidates, and standardized distribution to the media in order to produce a bilingual ballot, whether written or audio.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: August 1, 2007


Tobie Meyer-Fong

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 05-11598-WGY
)	
CITY OF BOSTON, MASSACHUSETTS,)	
et al.,)	<u>THREE-JUDGE COURT</u>
)	
Defendants.)	
_____)	

DECLARATION

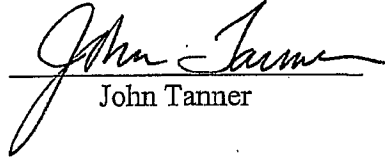
I, John Tanner, make the following declaration based on personal knowledge:

1. I am the Chief of the Voting Section of the Civil Rights Division in the United States Department of Justice. I joined the Voting Section in February 1976, and have been in the Section since then, with the exception of a period during 1995-2002 when I was assigned to the White House Office of Counsel to the President, the Criminal Section of the Civil Rights Division, the Senate Committee on the Judiciary, and the Department's Office of Legislative Affairs.
2. I became Chief of the Voting Section in June 2005. I personally led the negotiations for the United States in the instant action. I was present for all discussions during those negotiations. These negotiations resulted in the Memorandum of Agreement and Settlement ("Agreement") that was reviewed, modified, and ordered by this Court on October 18, 2005.
3. During those negotiations, the parties specifically discussed the issue of transliteration of candidate names on the ballot. The United States insisted, and the City of Boston agreed, that candidate names would be transliterated into Chinese. The provision of the Agreement between the United States and the City that the ballot be

"bilingual" memorialized the agreement that candidates' names would be transliterated into Chinese on the ballots.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, recollection, and belief.

Dated: July 22, 2007


John Tanner